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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,817	03/05/2002	Atsushi Mizutome	03500.016249	2989

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

PENG, FRED H

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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02/06/2008.

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/087,817

Applicant(s)

MIZUTOME ET AL.

Examiner

Fred Peng

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36,37,39,41,42,44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36,37,39,41,42,44 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 36-37, 39, 41-42 and 44-45 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 36-37, 41-42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel et al (US 2004/0049787) in view of Dedrick (US 5,724,521).

Regarding Claims 36-37, 41-42 and 45, Maissel discloses a receiving apparatus (FIG.1, element 110) with corresponding method and computer-readable medium (memory) for receiving television broadcasting signals, comprising:

an operation unit (110) for receiving an operation instruction for the receiving apparatus instructed by a user of said receiving apparatus (Para 103);

a profile processing unit (FIG.2, 130) for generating an internal user profile on the basis of an operation history of said operation unit (Para 120 lines 9-17);

an external interface unit (FIG.2, 160) for inputting, from outside of said receiving apparatus, an external user profile which is generated on the basis of an operation history of another receiving apparatus (Para 154);

a storing unit for storing the internal user profile generated by said profile processing unit and the external user profile input by said external interface unit (FIG.2, 140);

a selection unit (FIG.3, 190) for selecting one of the internal user profile and the external user profile (Para 164);

a searching unit for reading out the user profile selected by said selection unit from said storing unit and searching a program corresponding to the read-out user profile among a plurality of transmitted programs multiplexed in the television broadcasting signals (Para 165).

Maissel is silent about a control unit for automatically deleting the external user profile stored in said storing unit after its usage.

In an analogous art, Dedrick teaches automatically deleting the external user profile stored in the memory after its usage (Col 7 lines 41-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maissel's system to include automatic deletion of the external user profile after its use, as taught by Dedrick so personal information can be protected.

4. Claims 39 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maissel et al (US 2005/0028207 A1) and Dedrick (US 2003/0185546 A1) as applied to claims 36 and 41 above, and further in view of Hendricks et al (US 7,013,478 B1).

Regarding Claims 39 and 44, Maissel discloses a storage unit for storing a plurality of programs transmitted while multiplexed in the television broadcasting signals (Para 102 lines 10-15).

Maissel and Dedrick both are silent about said searching unit searches the program corresponding to the user profile selected by said selection unit from among the plurality of programs stored in said storage unit.

In an analogous art, Hendricks discloses said searching unit searches the program corresponding to the user profile selected by said selection unit from among the plurality of programs stored in said storage unit (Col 2 lines 42- 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Maissel and Dedrick to include said searching unit searches the program corresponding to the user profile selected by said selection unit from among the plurality of programs stored in said storage unit, as taught by Hendricks with the added benefits to add the additional capabilities to search the preference programs from another common program source, such as the recorded programs.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/087,817
Art Unit: 2623

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng
Patent Examiner

Vivek Srivastava
Supervisory Patent Examiner

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a stylized flourish at the end.

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600